

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

Interim City Attorney
Francine M. Kanne

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

January 24, 2013

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Celebration of Completion on Installation of Residential Water Meters – Mayor's Office and Department of Public Utilities – **Commendation made**

Proclamation of "FAFSA COMPLETION AWARENESS MONTHS" - Mayor's Office and All Councilmembers – **Not held**

Presentation by Fresno Dixieland Society – Councilmember Quintero - **Not held**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of January 17, 2013

Action Taken: Approved

Approve Successor Agency minutes of January 17, 2013

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Submission for informational purposes of the Comprehensive Annual Financial Reports ("CAFR") regarding the financial activities of the City of Fresno Retirement Systems for the fiscal year ending June 30, 2012 – Retirement Offices
Action Taken: Discussed and accepted
- B. Approve the acquisition of a public street easement from a portion of one parcel (APN 458-050-17) of property owned by SA9 Properties, a California Limited Liability Company for the construction of a new street from Hughes/West Diagonal Avenue north of State Route 180 to Marks Avenues and along North Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain (*Property located in District 3*) – Public Works Department
Action Taken: Approved
- C. Approve the acquisition of a public street easement from a portion of one parcel (APN 458-050-24) of property owned by Bruce and Erica Woodworth for the construction of a new street from Hughes/West diagonal Avenue north of State Route 180 to Marks Avenue and along N. Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain (*Property located in District 3*) – Public Works Department
Action Taken: Approved
- D. Approve the acquisition of 2.48 acres from one (1) parcel (APN 505-080-25) of property owned by George Dakovich and Son, Inc., a California Corporation, in the amount of \$340,000 for the future construction of Veterans Boulevard between Shaw Avenue and Herndon Avenue (*Property located in District 2*) – Public Works Department
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- E. Approve the acquisition of a public street easement from a portion of one (1) parcel (APN 577-210-54) of property owned by Aluisi et al in the amount of \$9,850 for the construction of the Northpointe Bicycle and Pedestrian Trail along the east side of N. Friant Road (**Property located in District 6**) – Public Works Department
Action Taken: Approved
- F. * **RESOLUTION** - 30th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$231,300 for design and construction costs on new State funded railroad crossing safety improvement projects in fiscal year 2013 (**Requires 5 affirmative votes**) – Public Works Department
Action Taken: Resolution No. 2013-5 adopted
- G. Approve Contract Change Order No. 29 for \$209,201.64 and a time extension to Western Water Constructors, Inc. for Regional Wastewater Reclamation Facility dewatering facility improvements (**Property located in District 3**) – Public Works Department
Action Taken: Approved
- H. Approve a second amendment to agreement with CDM Smith to extend the time of completion and add additional work in the amount of \$56,500 for professional groundwater remedial action services at the Fresno Sanitary Landfill (**Property located in District 3**) – Department of Public Utilities
Action Taken: Approved
- I. **RESOLUTION** - To authorize applications for and acceptance of the California Department of Resources Recycling and Recovery (CalRecycle) local government waste tire amnesty and clean-up grants funding, and authorizing the Development and Resource Management Department Director, or his or her designee, to sign on behalf of the City of Fresno - Development and Resource Management Department
Action Taken: Resolution No. 2013-4 adopted
- J. Consent to a legal representation waiver with Stoel Rives, LLP, to allow the firm to assist Granville Homes or related affiliate with the entitlement process for the Westlake Project, and authorize the Interim City Attorney or designee to execute the consent – City Attorney's Office
Action Taken: Approved
- K. Actions pertaining to a lease with Go Fast Experimental Aircraft at Fresno Chandler Executive Airport – Airports Department
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301 (a) (d)/Class 1 (Existing Facilities) to authorize a lease with Go Fast Experimental Aircraft at Fresno Chandler Executive Airport
Action Taken: Adopted
 2. Authorize the Director of Aviation to execute a one year lease with a two-year option between the City and Go Fast Experimental Aircraft at an annual rate of \$9,600 for a hangar facility located at Fresno Chandler Executive Airport
Action Taken: Authorized

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. Award a construction contract to Teichert Construction Company, Inc., of Fresno, California for the extension of Runway 11L/29R at Fresno Yosemite International Airport in the amount of \$10,191,093 – Airports Department
Action Taken: Awarded
- B. Approve consulting agreement with Moore Twining and Associates to provide quality assurance testing and inspection services for the extension of Runway 11L/29R at Fresno Yosemite International Airport in an amount not to exceed \$180,000 – Airports Department
Action Taken: Approved

2. **GENERAL ADMINISTRATION CONTINUED**

- C. **WORKSHOP – City of Fresno Water supply and service - Department of Public Utilities - Held**
- D. **Actions pertaining to the Building Neighborhood Capacity Program (BNCP) – Mayor’s Office**
1. Authorize the City Manager or his designee to negotiate and enter into an agreement for participation in the Building Neighborhood Capacity Program (BNCP)
Action Taken: Authorized
 2. * **RESOLUTION** - 37th amendment to the Annual Appropriations Resolution (AAR) No. 2012-125 appropriating \$13,800 for reimburseable lead agency costs associated with the Building Neighborhood Capacity Program (BNCP) **(Requires 5 affirmative votes)**
Action Taken: Resolution No. 2013-6 adopted
- E. **Actions pertaining to the continued development of the Blackstone-Kings Canyon/Ventura Bus Rapid Transit Project: (Transportation Department)**
1. Consider and adopt the Mitigated Negative Declaration pursuant to the provisions of Section 15074 of the California Environmental Quality Act (CEQA) for the Blackstone-Kings Canyon/Ventura Bus Rapid Transit Project
Action Taken: Adopted
 2. Authorize the Director of Transportation to initiate the National Environmental Policy Act (NEPA) review process with the Federal Transit Administration for the Blackstone-Kings Canyon/Ventura Bus Rapid Transit Project
Action Taken: Authorized
- F. **Actions pertaining to the continued provision of paratransit services (Handy Ride) in the City of Fresno – Transportation Department**
1. Award a three-year contract in the amount of \$16,880.028.93 to Keolis Transit America for the provision of demand responsive paratransit (Handy Ride) services with the option of four one-year extensions
Action Taken: Awarded
 2. * **RESOLUTION** – 35th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$194,700 for the purpose of funding the Handy Ride program for the remainder of the fiscal year **(Requires 5 affirmative votes)**
Action Taken: Resolution No. 2013-7 adopted
 3. Authorize the Director of Transportation to negotiate an interim contract for demand responsive paratransit services with MV Transportation, Inc.
Action Taken: Authorized
- G. **Actions pertaining to claiming funds for uncashed checks – Finance Department**
1. **RESOLUTION** - For fiscal year 2012-2013 claiming funds for uncashed checks dating from January 02, 2008 to December 31, 2008, in the amount of \$15,344.67
Action Taken: Resolution No. 2013-8 adopted
 2. * **RESOLUTION** - Approving policy and procedures for claiming unclaimed money in the City of Fresno Treasury for the general fund (revised and renamed 2002 policy and procedures for stale-dated checks (unclaimed money)
Action Taken: Resolution No. 2013-9 adopted

3. **CITY COUNCIL**

A. **COUNCIL COMMUNICATIONS & ASSIGNMENTS**

Annual review and appointment of Councilmembers to various Boards and Committees - Council President Xiong

1. Council of Governments (COG) Swearengin, Ex-Officio/Alternate-Borgeas
Financial Audit Committee Borgeas, Brand, Olivier
Fresno Area Workforce Investment Corporation Baines
Fresno County Transportation Authority (FCTA) Swearengin, Borgeas
Fresno Regional Workforce Investment Board Renena Smith
Fresno County Zoo Authority Swearengin, Alternate – Baines
Fresno Madera Agency on Aging Board Olivier
Joint Powers Financing Authority Olivier
Leadership Council on Ending Homelessness Swearengin, Baines
San Joaquin River Conservancy Board Swearengin, Alternate – Westerlund
The Association for the Beautification of Highway 99 Baines
Upper Kings Basin Integrated Regional Water Management Joint Powers Authority Borgeas
Pension Reform Task Force Borgeas, Brand, Xiong
Economic Development Corporation Serving Fresno County Ex-Officio – Borgeas
Fresno/Clovis Convention & Visitors Bureau (CVB) Renena Smith
League of California Cities (Annual Meeting) Swearengin, Alternate - Xiong
San Joaquin Valley Air Pollution Control District (SJVAPCD) Baines
SPCA/Animal Control Olivier
Infill Development Ad Hoc Subcommittee Brand, Baines, Olivier
Action Taken: Mayor appointments to be made later; member interested in Finance Audit Committee to contact Councilmember Brand; Councilmember Brandau appointed to FCTA; President Xiong appointed to Upper Kings Basin; Councilmember Brandau appointed to EDC; and SPCA dissolved and removed from list

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b), deciding whether to intervene in litigation:
 1. **Case Name:** California State University Fresno Association, Inc. v. County of Fresno.
Action Taken: Held; Council voted to intervene in the action

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M.** **HEARING** to consider a Resolution of Public Use and Necessity for acquisition of permanent street easements and rights of way for public street purposes from the following parcel of real property located north of Freeway 180 between Marks Avenue and Hughes Avenue in the City of Fresno: APN 458-050-56 owned by Innovative Properties & Development, LLC. **(Property located in District 3) – Public Works Department**
Action Taken:
a. * **RESOLUTION** – Determining that public interest and necessity require acquisition of one (1) easement and right-of-way for public purposes from real property for the construction of a frontage road along the north side of State Route 180 from Hughes/West diagonal to Marks Avenue improvements along N. Hughes Avenue and related purpose and authorizing eminent domain proceedings for public use and purpose in the City of Fresno: APN 458-050-56 **(Requires 5 affirmative votes)**
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M. **HEARING** to consider a resolution of public use and necessity for acquisition of permanent street easements and rights-of-way for public street located north of Freeway 180 between Marks Avenue and Hughes Avenue in the City of Fresno: APN 458-050-30 owned by Fresno Auto Dealership Auction - Public Works Department

Action Taken:

- a. * **RESOLUTION** - Determining that public interest and necessity require acquisition of one (1) easement and right-of-way for public purposes over, under, through and across real property for the construction of a frontage road along the north side of State Route 180 from Hughes/West diagonal to Marks Avenue, improvements along N. Hughes Avenue and relate purposed and authorizing eminent domain proceedings for public use and purpose in the City of Fresno: APN 458-050-30 owned by Fresno Auto Dealership Auction – that the public interest and necessity require and authorize eminent domain for acquisitions of permanent easements and rights of way for public street purposes for real property located north or State Route 180 between Marks Avenue and Hughes Avenue in the City of Fresno: APN 458-050-30 (***Requires 5 affirmative votes***)

Action Taken:

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Jan. 31 - NO MEETING

Feb. 7 - 8:30 A.M. Presentation of the P.R.I.D.E. Team Certificates – (***Reception immediately following – 2nd floor foyer***)

Feb. 7 - 10:00 A.M. **TEFRA HEARING** – Finance Department

Feb. 7 - 10:10 A.M. **HEARING** re: street name change No. SNC-12-001 (***Property located in District 2***)

Feb. 7 - 10:30 A.M. **HEARING** to consider Rezone Application No. R-12-006, and environmental findings, filed by Lars Andersen and Associates, Inc.,

Feb. 7 - 5:30 P.M. **HEARING** to consider Conditional Use Permit Application No. C-12-104 located at 5606 E. Kings Canyon Road (APN: 474-030-01)

Feb. 14 - 3:00 P.M. **CONTINUED HEARING** to consider Plan Amendment Application No. A-12-03, Rezone Application No. R-12-004, and related finding for Environmental Assessment No. A-12-03/R-12-004, initiated by the Director of the Development and Resource Management Department for Phases 2A, 2B, 3, 4 and 5 of the El Paseo Master Plan Area located generally east of State Route 99, south of the alignment of W. Sierra Avenue, north of the W. Bullard Avenue alignment, and west of the N. Hayes Avenue alignment (Property located in District 2)

Feb. 21 - NO MEETING – PRESIDENTS DAY

Feb. 28 - 10:00 A.M. **HEARING** to determine whether public necessity, health, safety or welfare

January 24, 2013

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

Feb.	28 -	10:15 A.M.	requires the formation of Underground Utility District No. FRE-92 HEARING re: Rezone Application No. R-11-009, Plan Amendment A-11-007, filed by Indent Realty Partners, LLC
Mar.	7 -		8:30 A.M. MEETING
Mar.	14 -	NO MEETING -	RECESS
Mar-	21-	1:30 P.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax Regarding City of Fresno Community Facilities District No. 11, Annexation No. 48 (Final Tract Map No. 6003 and 6004) (Property located in District 6) (Southeast corner of E. Copper and N. Maples Avenues)